

Remarks

Claims 1 and 45-63 are pending in the Application. No new matter has been added.

Entry of the amendment is respectfully requested. Reconsideration is respectfully requested.

Claim 49 substantially corresponds to original claim 47 in independent form.

Claim Status

Claim 1 was objected to based on grammar.

Claims 1, 45-49, and 53-62 were rejected as obvious pursuant to 35 U.S.C. § 103(a) over Black (US 6,786,3549) in view of McGunn (US 6,724,303).

Claims 50-52 and 63 were rejected as obvious pursuant to 35 U.S.C. § 103(a) over Black in view of McGunn and Kuel (GB 2,202,066).

The Claim Rejections

The Action alleges that Black teaches a media cassette (10) for use in an ATM, and that the cassette has a locking member (16). The Action admits that Black does not teach or suggest that the locking member (16) is controlled by an electronic lock control.

The Action relies upon McGunn as allegedly teaching a safe with an electronic lock system (100) that has a keypad (224), a control circuit (220), and a display (223).

The Action then alleges that it would have been obvious to "employ an electronic locking system . . . to the media cassette of Black . . . for the purposes of allowing its users remote access". The Applicants respectfully disagree with the interpretation and application of the applied references.

Claim 1

Black makes no mention of a cassette lock. Black has a simple latch (16). Where does Black teach or suggest a lock including a "movable locking member" and "with the locking member in the locked position the cassette is prevented from being opened"?

The Office has presented no evidence that Black's latch (16) constitutes either a lock or a movable locking member. As shown in Black's Figures 1 and 2, the latch (16) appears fixed (i.e., immovable) in position. Furthermore, the latch (16) is located on the exterior of the cassette to help secure the lid (12; Figure 3) to the body (14; Figure 2) (col. 2, line 65). Even if the latch (16) were somehow movable, there is no evidence that it could prevent the cassette from being opened. Contrarily, movement of the latch would enable the cassette to be more easily opened.

The Action's allegation that Black's latch (16) constitutes a lock (especially the recited lock) is not based on any evidence in the record. As Black doesn't even teach or suggest a mechanical cassette lock, it would not have been obvious to have used an electronic lock in Black, as alleged. Black also does not teach or suggest a cassette including a keypad thereon.

McGunn is directed to monitoring a safe. McGunn is non analogous art. Nevertheless, the Office misinterprets the teaching of McGunn. There is no evidence that the relied upon keypad (224) is used to control the electronic lock (104) of the safe (102). Rather, lock control can be remotely carried out with McGunn's control unit (120). Even the Action acknowledges that McGunn is directed to "allowing its users remote access". Thus, McGunn's safe (102) doesn't include or need a lock control keypad thereon.

Even if it were somehow possible (which it isn't) for McGunn's safe to have a lock control keypad thereon, the safe would still not constitute a cassette, especially a cassette that is used in an automated banking machine chest that has a chest lock for controlling access to the chest. McGunn at best may teach controlling access to the interior of a safe, but not access to the interior of a cassette. That is, even if McGunn's safe somehow had a lock control keypad thereon, it still would not teach or suggest putting a lock control keypad on a cassette that goes inside a chest (e.g., safe) of an automated banking machine (e.g., ATM).

Neither reference teaches or suggests a cassette having an electronic lock control keypad thereon, especially where the keypad "is operative to receive user input to move the locking member to the unlocked position". The record lacks substantial evidence support for the rejection. *In re Zurko*, 258 F.3d 1379, 59 USPQ2d 1693 (Fed. Cir. 2001). *In re Lee*, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002). It follows that the references, taken alone or in combination, cannot teach or suggest the recited features and relationships. The Office has not established a *prima facie* case of obviousness.

Claim 58

Applicants' remarks in support of the patentability of claim 1 are incorporated herein by reference. For reasons previously discussed, the references, taken alone or in combination, do not teach or suggest the recited method. For example, the references, taken alone or in combination, do not teach or suggest providing an automated banking machine media cassette including a lock and an electronic lock control, nor unlocking the cassette responsive to receiving an inputted lock combination with the electronic lock control. Where do the references even mention inputting a lock combination? The Office has not established a *prima facie* case of obviousness.

The Dependent Claims

Each of the dependent claims depends directly or indirectly from an independent claim. The Applicants have shown the independent claims to be allowable. Thus, it is asserted that the dependent claims are allowable on the same basis. Furthermore, each dependent claim additionally recites specific features and relationships that further patentably distinguish the claimed invention over the applied art.

The references, taken alone or in combination, do not teach or suggest the features and relationships that are specifically recited in these claims. Thus, it is respectfully submitted that the dependent claims are further allowable due to the recitation of such additional features and relationships.

Conclusion

The applied prior art is devoid of any such teaching, suggestion, or motivation for combining features of the applied art so as to produce Applicants' invention. Allowance of all of Applicants' pending claims is therefore respectfully requested.

The undersigned will be happy to discuss any aspect of the Application by telephone at the Office's convenience.

Respectfully submitted,



Ralph E. Jocke Reg. No. 31,029
WALKER & JOCKE
231 South Broadway
Medina, Ohio 44256
(330) 721-0000